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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/726,043

12/01/2003

Chuan De Huang

2658

25859

7590

08/23/2006

WEI TE CHUNG

FOXCONN INTERNATIONAL, INC.

1650 MEMOREX DRIVE

SANTA CLARA, CA 95050

EXAMINER

NGUYEN, SANG H

ART UNIT

PAPER NUMBER

2877

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/726,043

Applicant(s)

HUANG, CHUAN DE

Examiner

Sang Nguyen

Art Unit

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-13 and 15-19 is/are rejected.
- 7) ☒ Claim(s) 6 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Applicant's response to amendment filed on 06/14/06 has been entered. It is noted that the application contains claims 1-18 by the amendment on 06/14/06.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

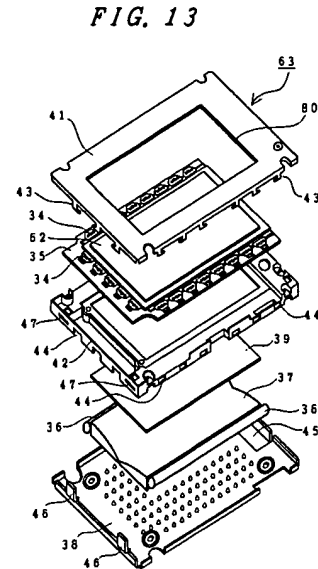
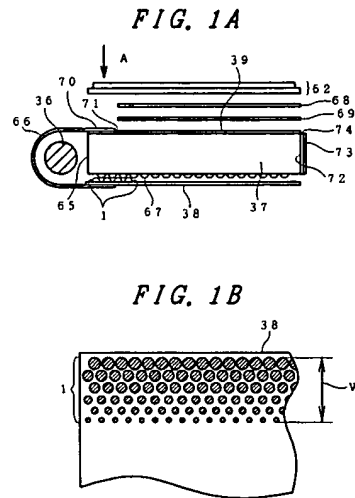
Claims 1-2, 7, 9-10, 15, and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mashino et al (U.S. Patent No. 5,886,759) in view of Fukuda et al (U.S. Patent No. 5,898,166).

Regarding claims 1, 9 and 18; Mashino et al discloses a method and combination, comprising:

a liquid crystal display device (figure 1) having a light guide plate (37 of figure 1) defining a plurality of dots (67 of figure 1) on one surface of the light guide plate (37 of figure 1) and a location device considered to be a reflective sheet (38 of figure 1) defining a plurality of reference points considered to be a plurality of color gray dots (1 of figure 1 or figure 13) marked thereon and position opposite to the surface of said light guide plate (37 of figure 1). See figures 1-18.

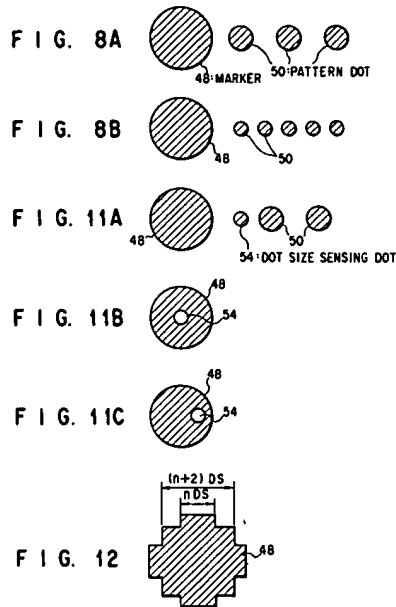
U.S. Patent Mar. 23, 1999 Sheet 1 of 11 5,886,759

U.S. Patent Mar. 23, 1999 Sheet 8 of 11 5,886,759

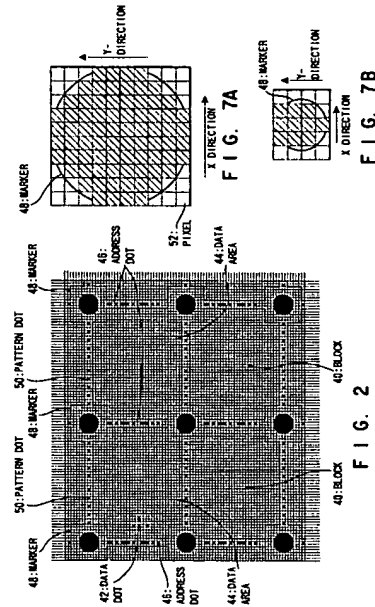


Mashino et al discloses all of features of claimed invention except for a measurement instrument for measuring gauges distance among the dots with reference to the reference points or gauging distances between the dots. However, Fukuda et al teaches that it is known in the art to provide a measurement instrument (figures 10-15) for measuring gauges distance among the dots (50 of figure 2) with reference to the reference points considered to be marker or gauging distances between the dots (48 of figure 2 and col.4 lines 55-61, col.8 lines 1-20, col.15 line 24 to col.16 line12), and col.23 lines 12-20). See figures 1-22.

U.S. Patent Apr. 27, 1999 Sheet 6 of 14 5,898,166



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Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine method and combination of Mashino et al with a measurement instrument for measuring gauges distance among the dots with reference to the reference points or gauging distances between the dots as taught by Fukuda et al for the purpose of narrowing the search range not only shorten the seaching time, but also reduces the number of faulty marker sensed in the range due to dust or noise.

Regarding claims 2, 7, 10, and 15; Mashino et al discloses the reference points are marked in a regular array considered to be a plurality of color gray dots (1 of figure 1 or figure 13).

Regarding claim 19; Mashino et al discloses a pattern of the reference point (1 of figure 1A) is different from the pattern dots (67 of figure 1A). See figures 1A-1B.

Claims 3-5 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mashino et al in view of Fukuda et al as applied to claims 1 and 9-10 above, and further in view of Suga et al (U.S. Patent No. 6,425,673).

Regarding claims 3-5 and 11-13; Mashino et al in view of Fukuda et al discloses all of features of claimed invention except for the sheet comprise a plastic, a polyester, or polyethylene terephthalate. However, Suga et al teaches that it is known in the art to provide the sheet comprise a plastic, a polyester, or polyethylene terephthalate (col.7 lines 28-34, col.12 lines 35-40, col.15 line 64-col.16 line 5). It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine method and combination of Mashino et al with the sheet comprise a plastic, a polyester, or polyethylene terephthalate as taught Suga et al for the purpose of controlling or adjusting light emitted and returned accurately with high reflectivity at its surface.

Claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mashino et al in view of Fukuda et al as applied to claims 1 and 9 above, and further in view of Ide et al (U.S. Patent No. 6,865,325).

Regarding claims 8 and 16; Mashino et al in view of Fukuda et al discloses all of features of claimed invention except for the reference points are marked with numbers. However, Ide et al teaches that it is known in the art to provide the reference points are marked with numbers (figure 4A-4C). It would have been obvious to one

having ordinary skill in the art at the time the invention was made to combine method and combination of Mashino et al with the reference points are marked with numbers as taught Ide et al for the purpose of improving discrete pattern with number with high quality image.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mashino et al in view of Fukuda et al as applied to claim 18 above, and further in view of Samworth (U.S. Patent No. 6,310,698).

Regarding claim 17; Mashino et al in view of Fukuda et al discloses all of features of claimed invention except for the measuring instrument is a microscope. However, Samworth teaches that it is known in the art to provide the measuring instrument is a microscope(col.6 lines 40-52). It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine method and combination of Mashino et al with the measuring instrument is a microscope as taught Samworth for the purpose of achieving the calibration of image reproducing system using the linear change in the dots forming different values of the gray scale in a haftone system (col.8 lines 20-23).

Allowable Subject Matter

Claims 6 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As claims 6 and 14 are allowed over the prior art of record, taken alone or in combination, fails discloses or render a method and in combination comprising all the

specific elements with the specific combination including of a distribution density of the reference points is lower than a distribution density of the pattern-dots in combination with set forth of claims 6 and 14.

Response to Arguments

Applicant's arguments filed 06/14/06 have been fully considered but they are not persuasive. Applicant argued that Mashino et al and Fukuda et al does not suggest or teach a location device configured for measuring distances between dots of a light guide plate and reference points marked thereon being configured for locating of the dots during measuring.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in

the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Mashino et al and Fukuda et al have the same the purpose of teaching measuring or testing data or recorded dot patterns on liquid crystal display device of personal computer or digital camera.

In response to applicant's arguments, the recitation "measuring distances between dots of a light guide plate" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

This argument is not persuasive. Applicant does not show the different structures and purposes between a light guide plate as disclosed by Applicant's present invention and a reflective sheet of light guide of Mashino et al and/or Fukuda et al, since the reflective sheet of the light guide recited in the in the Mashino et al and/or Fukuda et al reference and Applicant's Present Invention's the light guide plate have the same results for locating dots or points on thereon. Even if the light guide plate is different from a reflective sheet of light guide, then it is considered to be obvious, because the feature "the light guide plate" is recited in the preamble but not mention in the body claim. Also, the applicant argues that Mashino et al and/or Fukuda et al does not teach

or suggest "measuring distances between dots of a light guide plate and reference points marked thereon being configured for locating of the dots during measuring". As stated in previous Office action, Mashino et al discloses a method and device having a liquid crystal display device (figure 1) having a light guide plate (37 of figure 1) defining a plurality of dots (67 of figure 1) on one surface of the light guide plate (37 of figure 1) and a location device considered to be a reflective sheet (38 of figure 1) defining a plurality of reference points considered to be a plurality of color gray dots (1 of figure 1 or figure 13) marked thereon and position opposite to the surface of said light guide plate (37 of figure 1). Mashino et al discloses all of features of claimed invention except for a measurement instrument for measuring gauges distance among the dots with reference to the reference points or gauging distances between the dots. However, Fukuda et al teaches that it is known in the art to provide a measurement instrument (i.e., a sensing section [12 of figure 1] and a marker sensing section [30 of figure 1] and step of S63 for sensing distance between Dots of marker [figures 20-21]) for measuring gauges distance among the dots (50 of figure 2) with reference to the reference points considered to be marker or gauging distances between the dots (48 of figure 2 and col.4 lines 55-61, col.8 lines 1-20, col.15 line 24 to col.16 line12 and col.16 lines 34-50). Thus, the references are considered in combination, the recitation of the claims would have been obvious suggested.

For the reasons set forth above the arguments, it is believed that the rejection of the claims 1—5 and 7-13, and 15-19 under 35 U.S.C 103 (a) is proper.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shaw et al (6677294) discloses cleansing compositions; Chino et al (6642975) transfer apparatus; Arakawa et al (6559911) discloses polarization light splitting film, backlight system; Kobo et al (6456279) discloses liquid crystal display device with a touch panel; Watanabe et al (5394308) discloses lighting apparatus having asymmetric light intensity; or Johnson et al (5442482) discloses microlens screens.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

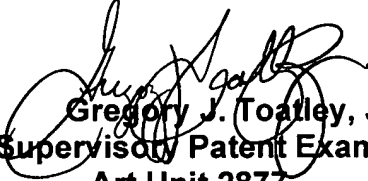
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sang Nguyen whose telephone number is (571) 272-2425. The examiner can normally be reached on 9:30 am to 7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory J. Toatley, Jr. can be reached on (571) 272-2800 ext. 77. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

August 18, 2006

Patent Examiner
Sang Nguyen *SN*


Gregory J. Toatley, Jr.
Supervisory Patent Examiner
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21 AUG 06